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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ADAM JAMES WINNINGHAM,

10 Petitioner,

11 v.
12 LYNNWOOD CITY MUNICIPAL
13 COURT,

CASE NO. C17-232 JCC-BAT

**REPORT AND
RECOMMENDATION**

13 On February 15, 2017, plaintiff, Adam James Winningham, proceeding pro se, submitted
14 a proposed 28 U.S.C. § 2254 habeas petition. Dkt. 1. Because he did not pay the filing fee or
15 submit an application to proceed *in forma pauperis* (IFP), the clerk by letter dated February 17,
16 2017, advised plaintiff that he needed to either pay the filing fee or complete the IFP application
17 the clerk enclosed by March 20, 2017. 2015. Dkt. 2. The clerk's letter also advised plaintiff if
18 he failed to pay the filing fee or submit the IFP application by March 20, 2017, the case may be
19 dismissed. On February 25, 2017, the letter the clerk sent plaintiff was returned as
20 undeliverable, with a notation that plaintiff was no longer at the jail address he provided upon
21 filing the action. Dkt. 4. Local Civil Rule ("LCR") 10(f) requires represented and unrepresented
22 parties to notify the Court of any change of address or telephone number within 10 days of the
23 change. LCR 41(b)(2) further provides:

1 A party proceeding pro se shall keep the court and opposing parties advised as to
2 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
3 the Post Office, and if such plaintiff fails to notify the court and opposing parties
within 60 days thereafter of his current address, the court may dismiss the action
without prejudice for failure to prosecute.

4 To date, plaintiff has not notified the Court of his current address, and has not filed
5 anything to further prosecute this action. Accordingly, the Court recommends **DISMISSING**
6 this action without prejudice pursuant to Local Rule CR 41(b)(2) for failure to prosecute. A
7 proposed order accompanies this Report and Recommendation.

8 Any objections to this Recommendation must be filed by **May 8, 2017**. The Clerk shall
9 note the matter for **Friday May 8, 2017** as ready for the District Judge's consideration if no
10 objection is filed. Objections shall not exceed five (5) pages. The failure to timely object may
11 affect the right to appeal.

12 DATED this 24th day of April, 2017.

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15 BRIAN A. TSUCHIDA
United States Magistrate Judge
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